

Remarks

Claims 1-15 have been cancelled. Claims 16-29 are pending in the application. Claims 16-29 are rejected.

Claim 27 is cancelled.

New Claim 30 has been added.

Claim Rejections - 35 U.S.C. § 112

Claims 16-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 16 and 29 are amended to set the lower limit of the vanilla extract to 0.1 weight percent. Accordingly, claims 16-29 are now allowable under 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 U.S.C. § 102

Claims 16, 18, 21, 25-26, and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by McAtee et al. (U.S. 5,607,980).

Claims 16 and 29 are amended such that the composition for treating a skin disorder necessarily includes vanilla extract in an amount from about 0.1 to 2 weight percent. McAtee does not disclose a composition having vanilla extract.

Accordingly, claims 16, 18, 21, 25-26, and 29 are allowable under 35 U.S.C. § 102(b) over McAtee et al.

Claim Rejections - 35 U.S.C. § 103

Claims 16-22, 25-26, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Trage et al. (U.S. 2002/0111280 A1).

Claims 16 and 29 are amended to include the limitations of claim 27 which is not subject to the present rejection.

Accordingly, claims 16-22, 25-26, and 29 are allowable under 35 U.S.C. § 103(a) over Trage et al.

Claims 16-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Knoll et al. (U.S. 4,822,604), Figueroa (WO 99/32084), Durr et al. (U.S. 5,997,889), McAtee et al. (U.S. 5,607,980).

Applicant traverses the present rejection for the following reasons. The February 3, 2008 Office Action (the Office Action) combines four references to reconstruct the present invention. Each of the cited references are deficient in disclosing the present invention. The Office Action concedes that the main reference, Kroll et al., “does not teach benzalkonium chloride, vanilla, and the claimed concentrations.” On its face, this is a significant degree of deficiency. The Office Action proceeds to one by one supply the missing components by reliance on Figueroa, Durr et al., and McAtee et al. None of the cited references completely disclose the present invention.

The Office Action neglects the fact that the present invention is directed to a composition with an enhanced ability to treat certain skin conditions. In achieving this unexpected enhanced ability, the present invention prescribes a unique combination with specified amounts. As often cited by the PTO, the chemical arts are generally viewed as being unpredictable. Therefore, the Office Action's approach to correcting the deficiencies of Kroll et al. is inappropriate. The Office Action neglects the unexpected probable synergistic effects that lead to the enhanced ability of the compositions of the present invention to treat certain skin

conditions. Moreover, the Office Action's piecewise reconstruction of the present invention assumes that reactivity between the components can be neglected which is seldom the case with respect to chemical compositions.

Accordingly, for at least these reasons, claims 16-29 are allowable under 35 U.S.C. § 103(a) over Knoll et al., Figueroa, Durr et al., and McAtee et al..

Conclusion

Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

The Petition fee of \$65.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,
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